LIMIT ON CHILD WELFARE		
	RECOMMENDATIONS AND RULINGS	
	2004 GENERAL SESSION	
	STATE OF UTAH	
Sponsor: Mike Thompson		
LO	ONG TITLE	
Ge	eneral Description:	
	This bill amends the Administrative Procedures Act and the Judicial Code.	
Hi	ighlighted Provisions:	
	This bill:	
	► limits factors that may be considered when an agency or court recommends or rules	
on	the custody, placement, or other disposition alternative of a minor, or the	
ter	rmination of parental rights.	
M	onies Appropriated in this Bill:	
	None	
Ot	ther Special Clauses:	
	None	
Ut	tah Code Sections Affected:	
EN	NACTS:	
	63-46b-2.1 , Utah Code Annotated 1953	
	78-7-46 , Utah Code Annotated 1953	
Ве	e it enacted by the Legislature of the state of Utah:	
	Section 1. Section 63-46b-2.1 is enacted to read:	
	63-46b-2.1. Bases for certain recommendations and decisions limited.	
	(1) Except as provided in Subsection (2), no agency may recommend or rule on the	



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28	custody, placement, including foster placement, or other disposition alternative for a minor, or
29	the termination of parental rights, based on the fact that a parent or guardian of the minor
30	lawfully does one or more of the following:
31	(a) legally possesses or uses a firearm or other weapon;
32	(b) espouses particular religious beliefs or engages in particular religious practices; or
33	(c) schools the minor or other minors outside the public education system or is
34	otherwise sympathetic to schooling a minor outside the public education system.
35	(2) Subsection (1) does not prohibit a recommendation or ruling based on the
36	compatibility of a minor with a particular custody, placement, or other disposition alternative
37	as determined by the presence of any of the factors in Subsections (1)(a) through (1)(c).
38	Section 2. Section 78-7-46 is enacted to read:
39	78-7-46. Bases for certain decisions limited.
40	(1) Except as provided in Subsection (2), no court may rule on the custody, placement,
41	including foster placement, or other disposition alternative for a minor, or the termination of
42	parental rights, based on the fact that a parent or guardian of the minor lawfully does one or
43	more of the following:
44	(a) legally possesses or uses a firearm or other weapon;
45	(b) espouses particular religious beliefs or engages in particular religious practices; or
46	(c) schools the minor or other minors outside the public education system or is
47	otherwise sympathetic to schooling a minor outside the public education system.
48	(2) Subsection (1) does not prohibit a ruling based on the compatibility of a minor with
49	a particular custody, placement, or other disposition alternative as determined by the presence
50	of any of the factors in Subsections (1)(a) through (1)(c).

Legislative Review Note as of 12-5-03 9:10 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

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Rill Number	HB0197

Limit on Child Welfare Recommendations and Rulings

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State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst